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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stefan Bertil Ohlsson

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/646,239	Applicant(s) OHLSSON, STEFAN BERTIL	
	Examiner MARC A. PATTERSON	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-137 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-137 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

NEW REJECTIONS

Claim Rejections – 35 USC § 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 56-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lue et al (U.S. Patent No. 6,255,426) in view of Miro (U.S. Patent No. 6,132,827) and Wong et al (U.S. Patent No. 6,358,457).

Regarding claims 74-80, 87-99, 105-108, 110-111, and 131-137, Lue et al teach a multilayer stretch film, comprising at least two layers (col. 12, l.17), for wrapping an article (food contact application; col. 10, l. 26-29) that is a shrink film (col. 10, l. 57-62); because the film is a shrink film, Lue et al disclose a film that is stretched prior to wrapping the article, therefore a method of wrapping comprising stretching the film prior to wrapping; at least one of the layers comprises a polyethylene copolymer having a CDBI of at least 70%, a melt index of from 0.1 to 15 g/10min, a density of from 0.910 to 0.930 g/ml, a melt index ratio of from 35 to 80, and an Mw/Mn ratio of from 2.5 to 5.5, wherein the film has a dart impact strength D, a modulus M, where M is the arithmetic mean of the machine direction and transverse direction 1% secant moduli, and a relation between D in g/mil and M in psi such that D is greater than or equal to $2.0 \times [100 + e(1171 - 0000268 \times M + 2183 \times 109 \times M^2)]$, which is equivalent to the formula claimed (see abstract and col.4, l.48-50 and l.60). The CDBI is at least 85% (col.9, l.43). The

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melt index is from 0.3 to 10 g/10min (col.4, 1.57). The film is wrapped around articles when used as garbage and shopping bags or shrink film (col. 10, 1.57-59). Lue et al fail to teach that at least one layer comprises one or more tackifiers from to 0.25 to 6 wt%.

Miro teaches that it is well known in the art to add tackifiers in the amount of 0.25 to 6 wt% (col. 6, l. 11-16) to a shrink film for the purpose of adhering the film to itself in the wrapping of an article (col. 1, l. 55-65). One of ordinary skill in the art would therefore have recognized the advantage of providing for the tackifiers of Miro in Lue et al, which comprises a shrink film, depending on the desired adhesion of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for one or more tackifiers from to 0.25 to 6 wt% in Lue et al in order to adhere the film to itself as taught by Miro.

Regarding claims 56-73, 81-86, 100-103, 109, and 112-130, Lue et al in combination with Wong et al and Miro teach all of the limitations as shown above with regard to claims 74-80, 87-99, 104-108, 110-111, and 131-137. Lue et al also teach that it is well known that packaging films are formed from polyethylene copolymers as monolayer films or multilayer films (col. 12, l. 17-18), Lue et al therefore teaches other layers added to polyethylene copolymer films in order to provide additional properties, such as making one surface of the film tacky and the other non-tacky and that in order to provide these properties two additional layers are used, one on either side, of the polyethylene copolymer film. One of ordinary skill in the art at the time Applicant's invention was made would have recognized that a layer is added on either side of a polyethylene copolymer film used in packaging in order to give that film one tacky surface and one non-tacky surface.

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to form the film of Lue et al having more than one layer, as a three layered film with the polyethylene copolymer forming the intermediate layer, depending on the intended end result of the film, as taught by Lue et al.

Lue et al and Miro combined fail to explicitly teach that the film has a particular natural draw ratio and tensile stress at separate elongation values. Note the limitation "wherein the film has a natural draw ratio of at least 250%, 275%, or 300%, a tensile stress at the natural draw ratio of at least 22, 24, or 26MPa, and a tensile stress at second yield of at least 12 MPa or 14 MPa does not require the film to actually be drawn or stretched, it merely states that the film has these properties. Wong et al teach that the natural stretch ratio is determined by factors such as the polymer composition and morphology caused by the process of forming the film (col.7, 1.4-7). In this case, the film of Lue et al and Miro has the exact same composition and is made by the same process. Lue et al teach that the film is used as a shrink film (col. 10, 1.57), which obviously must be stretched in order to allow the film to shrink.

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made, since the film is formed of the same composition and made by the same process, would obviously have a natural draw ratio of the film of at least 300%, a tensile stress at the natural draw ratio of at least 26 MPa, a tensile stress at the second yield of at least 14 MPa, a tensile stress at first yield of at least 9MPa, and the film obviously has a yield plateau with a linear portion having a slope of at least 0.020 MPa per %elongation, as taught by Wong et al.

ANSWERS TO APPLICANT'S ARGUMENTS

3. Applicant's arguments regarding the rejections of the previous Action have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 5 of the remarks dated June 9, 2008, that the claimed advantages, upon stretching, are not taught by the prior art of record.

However, as stated above, the claimed tensile strength and draw ratio are taught by Wong et al.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1794